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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SAN FRANCISCO BAYKEEPER, a non-profit
corporation,

Plaintiff,

v.

SYAR INDUSTRIES, INC.,

Defendant.

Civil No. C 14-00779 JD

**NOTICE OF SETTLEMENT AND REQUEST
TO VACATE STATUS CONFERENCE;
~~PROPOSED~~ ORDER**

Honorable James Donato

TO THE COURT AND TO THE PARTIES:

PLEASE TAKE NOTICE that Plaintiff San Francisco Baykeeper (“Baykeeper”) and Defendant Syar Industries, Inc. (“Syar”) (collectively, the “Parties”) have reached a tentative settlement in this action, which has been executed by the Parties. As required by federal law, a copy of the [Proposed] Consent Decree has been sent to the U.S. Department of Justice and to the U.S. Environmental Protection Agency (collectively, “the Agencies”) for a mandatory 45-day review period under 33 U.S.C. § 1365(c)(3) and 40 C.F.R. § 135.5. Copies of the [Proposed] Consent Decree will be sent to the Agencies via U.S. Certified Mail on today’s date. Upon expiration of the 45-day review period, the Parties will jointly request that the Court (1) approve and execute an Order dismissing the Complaint, and (2) approve and execute the [Proposed] Consent Decree which provides for continuing Court jurisdiction over any disputes which may arise between the parties under the agreement.

In light of the 45-day statutory review period, which ends on December 18, 2014, Plaintiff respectfully requests that the Court vacate from its calendar the November 19, 2014 Case Management Conference and associated deadlines, and issue an order that the Parties have until December 23, 2014 to file a motion to enter the [Proposed] Consent Decree.

WHEREFORE, Plaintiff respectfully requests the Court to approve and enter the Proposed Order below.

Dated: November 3, 2014

Respectfully submitted,

By: /s/ George Torgun
George Torgun
Attorney for Plaintiff
SAN FRANCISCO BAYKEEPER

~~[PROPOSED]~~ ORDER

IT IS HEREBY ORDERED that the Case Management Conference set for November 19, 2014 and all associated deadlines are vacated. The Court sets December 23, 2014 as the deadline for the Parties to file a motion to enter the [Proposed] Consent Decree.

IT IS SO ORDERED.

Date: 11/6/14

